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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-2012-0159, Notice 1]

Notice of Receipt of Petition for Decision that
Nonconforming 2006-2010 BMW M3 Passenger Cars
are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT

ACTION: Notice of receipt of petition.

SUMMARY: This document announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that nonconforming 2006-2010 BMW M3 passenger cars that were not originally manufactured to comply with all applicable Federal Motor Vehicle Safety Standards (FMVSS), are eligible for importation into the United States because they are substantially similar to vehicles that were originally manufactured for sale in the United States and that were certified by their manufacturer as complying with the safety standards (the U.S.-certified version of the 2006-2010 BMW M3 passenger cars) and they are capable of being readily altered to conform to the standards.

DATE: The closing date for comments on the petition is [30 days after publication in the Federal Register].

ADDRESSES: Comments should refer to the docket and notice numbers above and be submitted by any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility: U.S. Department of Transportation, 1200 New Jersey Avenue S.E., West Building Ground Floor, Room W12-140, Washington, D.C. 20590-0001
- *Hand Delivery or Courier:* West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue S.E., between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.
- *Fax:* 202-493-2251

Instructions: Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that your comments were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to

<http://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading below.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the *Federal Register* published on April 11, 2000 (65 FR 19477-78).

How to Read Comments submitted to the Docket: You may read the comments received by Docket Management at the address and times given above. You may also view the documents from the Internet at <http://www.regulations.gov>. Follow the online instructions for accessing the dockets. The docket ID number and title of this notice are shown at the heading of this document notice. Please note that even after the comment closing date, we will continue to file relevant information in the Docket as it becomes available. Further, some people may submit late comments. Accordingly, we recommend that you periodically search the Docket for new material.

FOR FURTHER INFORMATION CONTACT: George Stevens, Office of Vehicle Safety Compliance, NHTSA (202-366-5308).

SUPPLEMENTARY INFORMATION:Background

Under 49 U.S.C. § 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable FMVSS shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. § 30115, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable FMVSS.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR Part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the Federal Register of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the Federal Register.

US SPECS of Havre de Grace, Maryland (Registered Importer 03-321) has petitioned NHTSA to decide whether nonconforming

2006-2010 BMW M3 passenger cars are eligible for importation into the United States. The vehicles which US SPECS believes are substantially similar are 2006-2010 BMW M3 passenger cars that were manufactured for sale in the United States and certified by their manufacturer as conforming to all applicable FMVSS.

The petitioner claims that it compared non-U.S. certified 2006-2010 BMW M3 passenger cars to their U.S.-certified counterparts, and found the vehicles to be substantially similar with respect to compliance with most FMVSS.

US SPECS submitted information with its petition intended to demonstrate that non-U.S. certified 2006-2010 BMW M3 passenger cars as originally manufactured, conform to many FMVSS in the same manner as their U.S. certified counterparts, or are capable of being readily altered to conform to those standards. Specifically, the petitioner claims that non-U.S. certified 2006-2010 BMW M3 passenger cars are identical to their U.S. certified counterparts with respect to compliance with Standard Nos. 102 Transmission Shift Lever Sequence, Starter Interlock, and Transmission Braking Effect, 103 Windshield Defrosting and Defogging Systems, 104 Windshield Wiping and Washing Systems, 106 Brake Hoses, 113 Hood Latch System, 116 Motor Vehicle Brake Fluids, 124 Accelerator Control

Systems, 135 Light Vehicle Brake Systems, 202 Head Restraints, 204 Steering Control Rearward Displacement, 205 Glazing Materials, 207 Seating Systems, 210 Seat Belt Assembly Anchorages, 212 Windshield Mounting, 214 Side Impact Protection, 216 Roof Crush Resistance, 219 Windshield Zone Intrusion, and 302 Flammability of Interior Materials.

The petitioner also contends that the vehicles are capable of being readily altered to meet the following standards, in the manner indicated:

Standard No. 101 Controls and Displays: (a) inscription of the word "brake" on the brake failure indicator lamp in place of the international ECE warning symbol; and (b) replacement of the speedometer with a unit reading in miles per hour, or modification of the existing speedometer so that it reads in miles per hour.

Standard No. 108 Lamps, Reflective Devices and Associated Equipment: installation of the following U.S.-model components on vehicles not already so equipped: (a) front side marker lamps; (b) headlamps; (c) tail lamps that incorporate rear side marker lights; (d) high-mounted stop lamp; and (e) front and rear side reflex reflectors.

Standard No. 110 Tire Selection and Rims for Motor Vehicles with a GVWR of 4,536 kilograms (10,000 pounds) or Less:

installation of a tire information placard.

Standard No. 111 Rearview Mirrors: installation of a U.S.-model passenger side rearview mirror, or inscription of the required warning statement on the face of the existing mirror.

Standard No. 114 Theft Protection: installation of a supplemental key warning buzzer, or reprogramming of the control system to meet the requirements of this standard.

Standard No. 118 Power-Operated Window, Partition, and Roof Panel Systems: reprogramming or rewiring of the power operated window system to meet the requirements of this standard on vehicles not already so equipped.

Standard No. 138 Tire Pressure Monitoring Systems: installation of U.S.-model components and software, or of a conforming aftermarket system, on all vehicles not already so equipped.

Standard No. 201 Occupant Protection in Interior Impact: inspection of each vehicle and replacement of non U.S.-model upper interior components with U.S.-model components to meet the requirements of this standard on vehicles not already so equipped.

Standard No. 206 Door Locks and Door Retention Components: inspection of each vehicle and replacement of non U.S.-model door lock components with U.S.-model components on vehicles that are not already so equipped.

Standard No. 208 Occupant Crash Protection: inspection of each vehicle and (a) installation of a seat belt warning lamp and buzzer on vehicles that are not already so equipped; and (b) replacement of any non U.S.- model air bags, air bag control units, sensors, seat belts, software and knee bolsters on vehicles that are not already so equipped.

In a supplement to the original petition the petitioner included descriptions and part numbers for both the non-U.S. model components and the U.S.-model components they will be replaced with. The petitioner also included a listing of the required software changes. These listings have been included along with the copy of the petition in the docket referred to in the title of this notice.

The petitioner states that the vehicles are equipped with an automatic restraint system that consists of dual front air bags and knee bolsters. In addition, the vehicles have combination lap and shoulder belts at the outboard front and rear seating positions that are self-tensioning and capable of being released by means of a single red push button.

Standard No. 209 Seat Belt Assemblies: inspection of each vehicle and replacement of any non U.S.-certified model seat belts with U.S.-model components

Standard No. 225 Child Restraint Anchorage Systems: inspection of each vehicle and installation of U.S.-model child restraint anchorage system components on vehicles not already no so equipped.

Standard No. 301 Fuel System Integrity: inspection of each vehicle and replacement of any non U.S.-model fuel system components with U.S.-model components on vehicles not already so equipped.

Standard No. 401 Interior Trunk Release: installation of U.S.-model interior trunk release components on vehicles not already so equipped.

The petitioner additionally states that a vehicle identification plate must be affixed to the vehicles near the left windshield post to meet the requirements of 49 CFR Part 565.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above addresses both before and after that date. To the extent possible,

comments filed after the closing date will also be considered.

Notice of final action on the petition will be published in the

Federal Register pursuant to the authority indicated below.

Authority: 49 U.S.C. 30141(a)(1)(A), (a)(1)(B), and (b)(1); 49 CFR 593.7; delegation of authority at 49 CFR 1.95 and 501.8.

Issued on: December 19, 2012

Claude H. Harris, Director
Office of Vehicle Safety Compliance

Billing Code: 4910-59-P

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